

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DAVID H. KNIGHT,
Plaintiff

v.

BUILDING MATERIALS CORPORATION
OF AMERICA d/b/a GAF MATERIALS
CORPORATION and/or BUILDING
MATERIALS MANUFACTURING
CORPORATION and JOE RINDERLE,
Defendants

) CIVIL ACTION

) NO. 03-410 ERIE

) ELECTRONICALLY FILED

AFFIDAVIT OF LEONARD VAN CISE

COMMONWEALTH OF PENNSYLVANIA)

COUNTY OF ERIE)

ss:

Leonard Van Cise, being duly sworn according to law, deposes and says:

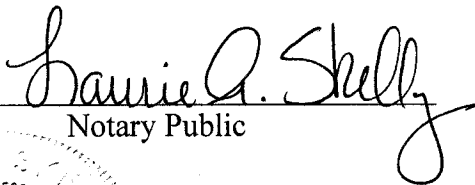
1. I am an adult individual who resides in Erie, Pennsylvania.
2. From approximately April 17, 2000 to the Spring of 2003, I was assigned by Transportation Unlimited, Inc. to work as a leased driver at the GAF Materials Corporation facility located at 218 West Bayfront Parkway, Erie, PA 16507.
3. At no time during my assignment at GAF Materials did I fail to call in when I did not report to work. When I was unable to report to work, I called the Supervisor of the Shipping Department at GAF Materials, advised I could not report to work and provided the reason or reasons why I could not report to work.

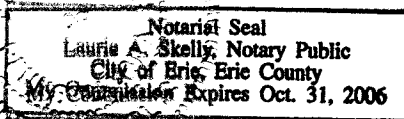
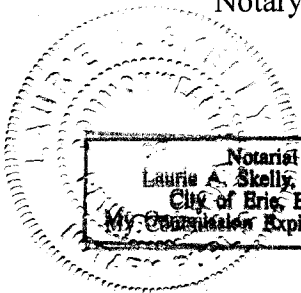
4. During the time that Joe Rinderle was the Supervisor of the Shipping Department, all four drivers completed over-the-road deliveries as well as local shuttle deliveries. At times Joe Rinderle would assign the runs, and at other times, the drivers chose the runs themselves.

5. With regard to any racial remarks in the work place, I can recall only one remark on one occasion during which another driver, Larry Murphy, referred to a shuttle delivery as "nigger work." I believe David Knight overheard the remark, which Larry Murphy made without knowing that Mr. Knight was present. It was well understood at GAF Materials that such remarks were not tolerated, and this is the single instance which I witnessed.


Leonard Van Cise

Sworn to and subscribed before me
this 2nd day of September, 2005


Notary Public



CERTIFICATE OF SERVICE

I hereby certify that the foregoing Affidavit of Leonard Van Cise was served upon the following counsel for plaintiff David H. Knight, via First-Class United States Mail, this 2nd day of September 2005:

Timothy McNair, Esq.
821 State Street
Erie, PA 16501-1316

s/ Lisa Smith Presta
Lisa Smith Presta